THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.20882 of 2003

K.Ramalakshmi

….Petitioner

vs.

The Member – Secretary, Gurukulam

(Tribal Welfare), 2nd Floor, Telugu

Samkshema Bhavan, Masab Tanki,

Hyderabad and others.

…..Respondents.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 20882 OF 2003

ORDER:

The petitioner was initially appointed as 'Ayah' in the Andhra Pradesh Residential Education and Integrated Society, W.G. District. Subsequently, the said society was bifurcated into A.P. Tribal Welfare Residential Education and Integrated Society, and, Andhra Pradesh Residential Education and Integrated Society. After bifurcation, when the petitioner was allotted to East Godavari District, this Writ petition is filed, mainly on the ground that the post of Ayah is a district cadre post, and her posting beyond the district is contrary to the Presidential Order, namely, A.P. Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) order, 1975,

In the counter affidavit filed on behalf of the respondents, it is stated that after bifurcation of the society, there were two posts of Ayah available in West Godavari district; in that view of the matter, as there was no vacancy in West Godavari District, she was posted in East Godavari District. It is further stated, that in the integrated society, there was no division of cadres and allotments, and, the fourth respondent in the Writ Petition is senior to the petitioner; as such, she was retained in West Godavari District, and, the petitioner was posted in East Godavari District.

Though it is true that post of Ayah is a district cadre post, but, she was not allotted to West Godavari District in terms of the Presidential Order referred above. More over, it is stated, that there were only two vacant posts of Ayah in the staffing pattern of West Godavari District, and, as the petitioner is junior to the fourth respondent, she is posted in East Godavari District. Further, though it is the case of the petitioner that the fourth respondent is junior to her, but however, in the counter affidavit, it is stated that the fourth respondent is senior to the petitioner. The said aspect is not controverted by filing any reply affidavit. In that view of the matter, the petitioner was not allotted to West Godavari District. As such, posting of the petitioner in East Godavari District cannot be said to be in violation of the Presidential Order.

For the foregoing reasons, the Writ Petition is devoid of merits and the same is accordingly dismissed. However, it is made clear that as and when vacancy arises in the unit of West Godavari district, it is for the petitioner to make an application requesting to post her in any vacant post in West Godavari District. If such an application is filed, without reference to the order of dismissal in this Writ Petition, it is open for the respondent authorities to consider the same. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATED: 16-12-2005

BCS/Msnr.